



09-30-04

✓AFW #

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | |
|------------------------|----------------|
| Application Number | 10/700,139 |
| Filing Date | NOV. 3, 2003 |
| First Named Inventor | WAYNE VAN ETEN |
| Art Unit | 3692 |
| Examiner Name | TOM A. SZUMNY |
| Attorney Docket Number | 1609-1 |

Total Number of Pages in This Submission

17

ENCLOSURES (Check all that apply)

| | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): POST CARD RECEIPT |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|--------------------|
| Firm or Individual name | JOHN MAIER, III |
| Signature | John Maier |
| Date | SEPTEMBER 29, 2004 |

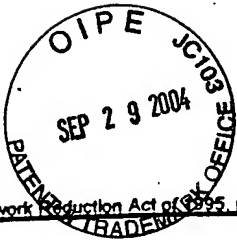
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|-----------------------|-----------------|------|----------|
| Typed or printed name | JOHN MAIER, III | | |
| Signature | John Maier | Date | 09-29-04 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-97)
Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL

Note: Effective October 1, 1997.
Patent fees are subject to annual revision.

Complete if Known

| | |
|------------------------|-----------------|
| Application Number | 10700139 |
| Filing Date | NOV. 3, 2003 |
| First Named Inventor | WAYNE VAN ETTEN |
| Group Art Unit | 3692 |
| Examiner Name | JON A. SZUMNY |
| Attorney Docket Number | 1609-1 |

TOTAL AMOUNT OF PAYMENT (\$)
43.00

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number
Deposit Account Name

- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. FILING FEE

| Large Entity Fee Code | Small Entity Fee Code | Fee (\$) | Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|----------|----------|------------------------|----------|
| 101 | 201 | 790 | 395 | Utility filing fee | |
| 106 | 206 | 330 | 165 | Design filing fee | |
| 107 | 207 | 540 | 270 | Plant filing fee | |
| 108 | 208 | 790 | 395 | Reissue filing fee | |
| 114 | 214 | 150 | 75 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. CLAIMS

| Total Claims | Extra | Fee from below | Fee Paid |
|---------------------------|-----------|----------------|----------|
| Independent Claims | 4 - 3 = 1 | X | 43.00 |
| Multiple Dependent Claims | | X | |

| Large Entity Fee Code | Small Entity Fee Code | Fee (\$) | Fee (\$) | Fee Description |
|-----------------------|-----------------------|----------|----------|---|
| 103 | 203 | 22 | 11 | Claims in excess of 20 |
| 102 | 202 | 82 | 41 | Independent claims in excess of 3 |
| 104 | 204 | 270 | 135 | Multiple dependent claim |
| 109 | 209 | 82 | 41 | Reissue independent claims over original patent |
| 110 | 210 | 22 | 11 | Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)
43.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code | Small Entity Fee Code | Fee (\$) | Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|----------|----------|--|----------|
| 105 | 205 | 130 | 65 | Surcharge - late filing fee or oath | |
| 127 | 227 | 50 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 239 | 130 | 130 | Non-English specification | |
| 147 | 247 | 2,520 | 2,520 | For filing a request for reexamination | |
| 112 | 212 | 920* | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 213 | 1,840* | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 215 | 110 | 55 | Extension for reply within first month | |
| 116 | 216 | 400 | 200 | Extension for reply within second month | |
| 117 | 217 | 950 | 475 | Extension for reply within third month | |
| 118 | 218 | 1,510 | 755 | Extension for reply within fourth month | |
| 128 | 228 | 2,060 | 1,030 | Extension for reply within fifth month | |
| 119 | 219 | 310 | 155 | Notice of Appeal | |
| 120 | 220 | 310 | 155 | Filing a brief in support of an appeal | |
| 121 | 221 | 270 | 135 | Request for oral hearing | |
| 138 | 238 | 1,510 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 240 | 110 | 55 | Petition to revive - unavoidable | |
| 141 | 241 | 1,320 | 660 | Petition to revive - unintentional | |
| 142 | 242 | 1,320 | 660 | Utility issue fee (or reissue) | |
| 143 | 243 | 450 | 225 | Design issue fee | |
| 144 | 244 | 670 | 335 | Plant issue fee | |
| 122 | 222 | 130 | 130 | Petitions to the Commissioner | |
| 123 | 223 | 50 | 50 | Petitions related to provisional applications | |
| 126 | 226 | 240 | 240 | Submission of Information Disclosure Stmt | |
| 581 | 281 | 40 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 246 | 790 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 149 | 249 | 790 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |

Other fee (specify) _____

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)

SUBMITTED BY

Complete (if applicable)

Typed or Printed Name

JOHN MAIER, III

Reg. Number

20,990

Signature

John Maier, III

Date

9-29-04

Deposit Account

09-29-04

User ID

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION NO.: 10/700,139

TITLE: TUBE RETAINER

APPLICANT: WAYNE VAN ETTEN

FILING DATE: NOVEMBER 3, 2003

ART UNIT: 3632

EXAMINER: JOHN A. SZUMNY

DATE OF RESPONSE: SEPTEMBER 29, 2004

DOCKET NO.: 1609-1

Honorable Commissioner for Patents

Alexandria, VA 22313-1450

DEAR SIR:

In response to the Office Action dated June 29, 2004, please amend the
Application as follows:

10/01/2004 BSAYASI1 00000088 10700139

01 FC:2201

43.00 DP